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EMBASSY OF THE  
UNITED STATES OF AMERICA  
OFFICE OF THE AMBASSADOR

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Bogotá, Colombia

October 29, 2002

Dear Senator Leahy:

Thank you for your letter of September 9 in reference to the Santo Domingo case. Like you, I believe this should have been resolved long ago, and I am disappointed by its slow progress through the Colombian investigative and court systems.

Embassy human rights officers have been in regular contact with investigators in both the Inspector General's Office (Procuraduria) and military justice system regarding the progress of their respective cases. In that regard, we have learned that the Inspector General's Office (IG) has ruled that the two Air Force pilots implicated in the bombing were negligent in their actions and will be punished with three-month suspensions, the harshest administrative sanction applicable in cases of negligence. Clearly, such a trivial sanction is inadequate. However, a criminal case is still ongoing in the military justice system.

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The investigating judge is also waiting for FBI forensic analysis of additional metallic fragments reportedly extracted from the bodies of several victims. Although the Embassy's FBI office forwarded the fragments to the Bureau's forensic laboratory in

The Honorable  
Patrick Leahy,  
United States Senate.

UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: MELVIN E SINK  
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April, a large backlog related to September 11 has delayed the requested analysis. It is still uncertain when the FBI will be able to make a definitive finding, and I hesitate to ask the Bureau to do more under present circumstances.

In regard to the identity of the U.S. citizens piloting the AirScan aircraft on the day in question, we believe we have successfully identified the three men involved; none are now known to be in Colombia. The Department of State has determined that the Privacy Act would not permit us to release the names of these individuals, or their locations, to Colombian authorities. I have directed that the Embassy provide Colombian authorities with all assistance in locating and interviewing these individuals that U.S. law permits and that treaty and international convention require, most likely through a Letters Rogatory process.

I regret that this case has not moved more swiftly, that the Embassy may inadvertently have had some hand in its delay, and that the sanction imposed by the IG is not more appropriate to the magnitude of the tragedy. My concern about lack of progress on this case has led me to request the Department's concurrence in a decision to de-vet the Colombian Air Force's First Aerial Command Unit (CACOM-1), to which the squadron responsible for the deaths in Santo Domingo belongs. CACOM-1 possesses 20 percent of the Air Force's combat capability and is the country's most technologically advanced air combat unit. I believe the Department of State will concur in my recommendation. The military justice system must come to an appropriate resolution of this case that is fully justifiable on the law and the facts.

I thank you again for your interest in the Santo Domingo case, and assure you that its just resolution remains a priority for this Embassy.

Sincerely,

(Signature)

Anne W. Patterson  
Ambassador

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